

1 US DISTRICT COURT  
2 SOUTHERN DISTRICT OF TEXAS  
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5  
6 Paul R. F. Schumacher,  
7 *Plaintiff.*

v.

Case No. 4:18-CV-00436

8 Capital Advance Solutions LLC  
9 Charles Betta  
10 Dan Logan,  
*Defendants.*

11 **RESPONSE TO DEFENDANT'S REQUEST FOR EXTENSION**  
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13 **I. Introduction**  
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15 Defense, having attempted to delay and evade service and having had access to the  
16 complaint and summons since February, now seeks to introduce further delay and should  
17 be denied as the shortness of time was entirely due to their actions.  
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19 **II. Issues to Be Ruled Upon**  
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21 Extension Not Warranted Defense requests a 14 day delay for its response under rule  
22 6(b), but their arguments as to why they should be granted it stem entirely from their own  
23 delay to act, and should not be granted.  
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### III. Argument

#### A. Background

- Mr. Devanny is currently representing Defendants in a similar federal case. (3:17-cv-13050)
- Mr. Devanny was given by Plaintiff a copy of all the documents to be served on his clients and a copy of requests to waive service in this case on or around 23-FEB-2018.
- Defendants were mailed requests to waive service at that time.
- Defendants refused to waive service.
- Defendants attempted to evade service, further delaying proceedings.
- After being served, Defense waited thirteen days to even file their motion for admission Pro Hac Vice.

Ergo, the defendants have known the contents of the service they received since February, their attorney has had the documents in his hand since that time and has had plenty of time to review them. Then, when successfully served, defense waited an additional time period to begin filings with this court.

#### B. Avoidable Delays Should not be Rewarded

Defense lays out the dates of service and the court's granting of their motion to appear, but fail to note that these were entirely of their own making. Defense and their attorneys have been aware of the documents they were served with since February and have had

1 plenty of time to review them. Additionally, their delay of thirteen of their twenty-one  
2 days of response before even filing a motion to appear is entirely their fault.

3 The court should not reward this behavior by granting them a further delay on proceed-  
4 ings. Rule 6(b), under which defense requests the extension, says that “the court may, for  
5 good cause, extend the time”. It is hard to interpret defense’s delay and procrastination as  
6 “good cause”. Indeed, the motion to extend time doesn’t give an actual reason to extend,  
7 just the bare dates of events, which as noted above, do not support a delay, but rather  
8 point to procrastination on their part.

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10 **IV. Conclusion**

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12 As defendants have created this time crunch for themselves, the court has no “good  
13 cause” to grant them an extension.

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16 Dated: May 18, 2018

17 /s/Paul R. F. Schumacher

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19 Paul R. F. Schumacher  
20 Plaintiff (Pro Se)

21  
22 CERTIFICATE OF SERVICE I HEREBY CERTIFY that on May 18, 2018, a true and  
23 correct copy of the foregoing was submitted electronically to the Clerk of Court, which will  
24 serve copies to all counsel and parties of record registered to receive CM/ECF notification.  
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